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APR 14 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:)
Kouki Hatakeyama) **DECISION ON PETITION TO**
Application No.: 08/841,318) **WITHDRAW HOLDING OF**
Filed: April 30, 1997) **ABANDONMENT**
For: A METHOD OF CONTROLLING THE)
DISPLALY MODE AND THE RECORDING)
MODE OF AN ELECTRONIC STILL CAMERA)

This is a decision on the petition filed September 10, 2003, to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

This application was held abandoned for failure to take action subsequent to the Board of Patent Appeals and Interference's decision (paper No. 29) mailed March 21, 2003. A Notice of Abandonment was mailed July 11, 2003.

In support of the petition, petitioners provide a copy of a request for CPA, a copy of a preliminary amendment filed with the request, and a photocopy of a date-stamped post card which itemizes the aforementioned items, including reference to a check # 900183 in the amount of \$750. The date-stamped postcard evidences receipt of the listed items in the USPTO on May 21, 2003.

A review of the file record finds that applicant's request for CPA (filed in the USPTO on May 21, 2003), has since been matched and entered in the file. Therefore the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The Office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

MPEP §1214.07 Reopening of Prosecution states in part:

37 CFR 1.198. Reopening after decision.

Cases which have been decided by the Board of Patent Appeals and Interferences will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 1.196 without the written authority of the Commissioner, and then only for the consideration of matters not already adjudicated, sufficient cause being shown. Sometimes an amendment is filed after the Board's decision which does not carry into effect any recommendation made by the Board and which presents a new or amended claim or claims. In view of the fact that the prosecution is closed, the appellant is not entitled to have such amendment entered as a matter of right. However, if the amendment is submitted with a request for continued examination (RCE) under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e), the prosecution of the application will be reopened and the amendment will be entered. [emphasis added]

Given Applicants timely responded within the time frame set forth from the Board's decision with an amendment and a request for CPA (which will be treated as a request for continued examination), the application file is being forwarded to the Technology Center support staff for proper entry and processing of the request for a CPA and amendment.



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